



ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS CIVIL APPEALS – FAQ

This document provides information for self-represented litigants in filing an appeal from a circuit court order or judgment in a civil case to the Illinois Appellate Court. It does not discuss how to file an appeal in a criminal case or in federal court.

The civil appeals process is difficult. The process involves many strict deadlines and adherence to [Illinois Supreme Court Rules](#) ("Rules"). You are strongly encouraged to speak to a lawyer about your appeal. Should you decide to appeal your case without a lawyer, you will need to follow the Rules just like those parties who have an attorney. You will also need to do a significant amount of legal research and write lengthy briefs in order to convince the appellate court that your position is correct. You can search for a lawyer with experience in appeals to represent you at [Illinois Lawyer Finder](#) (outside Cook) or [Chicago Bar Association Lawyer Referral Service](#) (in Cook).

The material presented herein is legal information and aims to provide general resources for you. This FAQ is not a substitute for legal counsel and does not constitute legal advice. You must speak with a lawyer to receive legal advice. This resource is neither legal authority nor a substitute for the requirements found in the Rules.

SECTION EIGHT: BRIEFS

GENERAL INFORMATION

1. What is a brief?

An appellate brief is a party's written argument of why the circuit court or the jury did or did not make a mistake and why the party filing the brief should win the case. The brief describes the facts of the case, presents the party's argument about the issues on appeal, and supports those arguments with legal authority (such as statutes, rules, and cases).

2. What is the difference between the three types of briefs in a civil appeal?

- The **Appellant's Brief** is filed first. It is filed by the appellant (the person filing the appeal) and presents arguments for why the circuit court's decision should be overturned.
- The **Appellee's Brief** is filed second. It is filed by the appellee and is optional. The brief outlines why the circuit court's decision was correct.
- The **Appellant's Reply Brief** is filed third and it is the last brief in the appeal process. It is filed by the appellant only if the Appellee's Brief is filed, and is optional. The brief contains only arguments responding to arguments raised by the appellee.



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3. **What are the rules that apply to writing a brief for my civil appeal?**

Briefs for civil appeals follow very strict rules, which include deadlines, formatting, page and word limits, and service of the brief on the other party or parties. Failure to follow these rules may result in your brief being stricken or your appeal being dismissed. Illinois Supreme Court Rules [341-343](#) cover the specific rules and requirements for appellate briefs.

The appellate court where you are filing your appeal may have adopted rules requiring paper filings in addition to electronic filing. [Local Rules](#) regarding paper copies, if any, will be available on the Illinois Courts' website and you should also speak with your local appellate clerk's office.

Statewide standardized forms and detailed instructions are available for the [Appellant's Brief](#), [Appellee's Brief](#), and [Appellant's Reply Brief](#). These forms are written in plain language and comply with the Illinois Supreme Court Rules.

In addition, a checklist has been created for appellate briefs on the "[Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants](#)" that may help you.

4. **What if I cannot meet the deadline for filing my brief?**

If you need more time to file your brief, you must file a motion requesting an extension of time. All requests to the appellate court must be done by a motion, which is a form you file any time you want to ask the appellate court to take any action related to your appeal. The motion form and instructions are available on the Illinois Courts' website - <http://www.illinoiscourts.gov/Forms/approved/appellate/appellate.asp>



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CIVIL APPEALS – FAQ**

APPELLANT'S BRIEF

1. When is the Appellant's Brief due?

- Generally, the Appellant's Brief must be filed with the clerk of the appellate court no later than **35 days** after the Record on Appeal is filed. However, if the appeal concerns the custody or care of a child, the Appellant's Brief must be filed no later than **21 days** after the Record on Appeal is filed [[Rule 311\(a\)](#)].

2. What specific rules apply to the Appellant's Brief?

Under [Rule 341\(b\)](#), the Appellant's Brief must be no more than 50 pages (or alternatively, no more than 15,000 words), not including certain sections. It must be in the form specified in [Rule 341\(a\)](#), and must include a proof of service on the other party and a certificate of compliance with Rules [341\(a\)](#) and [\(b\)](#). The cover of the brief must be white.

As a reminder, the [Appellant's Brief](#) is a statewide form available for your use.



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APPELLEE'S BRIEF

1. When is the Appellee's Brief due?

Generally, the Appellee's Brief must be filed with the clerk of the appellate court no later than **35 days** after the due date of the Appellant's Brief. However, if the appeal concerns the custody or care of a child, the Appellee's Brief must be filed no later than 21 days after the due date of the Appellant's Brief.

2. Is the Appellee's Brief required?

No, the appellee does not have to file a response to the Appellant's Brief. However, if the appellee does not file a brief, the appellate court will make a decision based on the record on appeal, the transcripts, and the Appellant's Brief. The Appellee's Brief may be the appellee's only opportunity to make an argument as to why the circuit court's decision was correct. If the Appellee's Brief is not filed, the appellee may not participate further in the appeal, such as in oral argument if it is requested by the court.

3. What are the requirements for the Appellee's Brief?

Under [Rule 341\(b\)](#), the Appellee's Brief must be no more than 50 pages (or alternatively 15,000 words), not including certain sections, and must be in the form specified in [Rule 341\(a\)](#). The Appellee's Brief must also include a certificate of compliance with [Rules 341\(a\)](#) and [\(b\)](#), as well as a proof of service on the other party. The cover of the appellee's brief must be light blue.

As a reminder, the [Appellee's Brief](#) is a statewide form available for your use.



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CIVIL APPEALS – FAQ**

APPELLANT'S REPLY BRIEF

1. When is the Appellant's Reply Brief due?

Generally, the Appellant's Reply Brief must be filed with the clerk of the appellate court no later than **14 days** after the due date of the Appellee's Brief. However, if the appeal concerns the custody or care of a child, the Appellant's Reply Brief must be filed no later than **7 days** after the due date of the Appellee's Brief.

2. Is the Appellant's Reply Brief required?

No. If the appellee does not file an Appellee's Brief, the appellant cannot file an Appellant's Reply Brief. Even if the appellee files an Appellee's Brief, the appellant does not have to file an Appellant's Reply Brief.

3. What are the requirements for the Appellant's Reply Brief?

Under [Rule 341\(b\)](#), the Appellant's Reply Brief must be no more than 20 pages (or alternatively 6,000 words) and must be in the form specified in [Rule 341\(a\)](#). The reply brief must include a certificate of compliance with Rules [341\(a\)](#) and [\(b\)](#), as well as a proof of service on the opposing party. The cover of the reply brief must be light yellow. The Appellant's Reply Brief contains only arguments in response to arguments raised by the appellee.

As a reminder, the [Appellant's Reply Brief](#) is a statewide form available for your use.